



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## BOARD OF DIRECTORS' REGULAR MEETING

November 27, 2002

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 7<sup>th</sup> floor Board room at the Air District headquarters, 939 Ellis Street, San Francisco, California.

### Questions About an Agenda Item

The name, telephone number and e-mail of the appropriate staff person to contact for additional information or to resolve concerns is listed for each agenda item.

### Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:45 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

# BOARD OF DIRECTORS' REGULAR MEETING A G E N D A

WEDNESDAY  
NOVEMBER 27, 2002  
9:45 A.M.

BOARD ROOM  
7TH FLOOR

## CALL TO ORDER

Opening Comments  
Roll Call  
Pledge of Allegiance  
Commendations/Proclamations

Randy Attaway, Chairperson  
Clerk of the Boards

## PUBLIC COMMENT PERIOD

**Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**  
*Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.*

## CONSENT CALENDAR (ITEMS 1 – 8)

Staff/Phone (415) 749-

1. Minutes of November 6, 2002  

M. Romaidis/4965  
[mromaidis@baaqmd.gov](mailto:mromaidis@baaqmd.gov)
2. Communications  

W. Norton/5052  
[exec@baaqmd.gov](mailto:exec@baaqmd.gov)

*Information only*
3. Report of the Advisory Council  

R. Sawyer/4962  
[rsawyer@me.berkeley.edu](mailto:rsawyer@me.berkeley.edu)
4. Monthly Activity Report  

W. Norton/5052  
[exec@baaqmd.gov](mailto:exec@baaqmd.gov)

*Division Activities for the month of October, 2002*
5. Energy Report  

W. Tanaka/5066  
[wtanaka@baaqmd.gov](mailto:wtanaka@baaqmd.gov)

*Report of District energy use beginning January 2000 through October 2002.*
6. Status Report on Bay Area 2001 Ozone Attainment Plan  

W. Norton/5052  
[exec@baaqmd.gov](mailto:exec@baaqmd.gov)

*Current Status of District Rule Development Activities and Further Study Measures  
Implementing the Bay Area 2001 Ozone Attainment Plan.*

7. Report of Personnel Transfer in Accordance with Division II Fiscal Policies and Procedures Section 3.3 (b) of the Administrative Code **W. Norton/5052**  
[exec@baaqmd.gov](mailto:exec@baaqmd.gov)

*In accordance with Division II Fiscal Policies and Procedures Section 3.3 (b) the Board is hereby notified of the transfer of a Principle Air Quality Specialist position from Program 301 to Program 401 and the transfer of a Secretary position from Program 705 to Program 404. Allocation of a transfer of funds for salary and benefits has also been implemented.*

8. Authorization for Execution of Purchase Order in Excess of \$35,000 **W. Tanaka/5066**  
[wtanaka@baaqmd.gov](mailto:wtanaka@baaqmd.gov)

*Pursuant to the District's Administrative Code Division II, Section 4.3. Fiscal Policies and Procedures, staff request the Board authorize the Executive Officer/APCO to execute a contract, not to exceed \$110,000, with Brady Air Conditioning Inc., for Phase I upgrades to the District's HVAC system.*

### **PUBLIC HEARINGS**

9. Final Public Hearing to Consider Adoption of Proposed Amendments to Regulation 8, Rule 5: Storage of Organic Liquids and Approval of a Negative Declaration pursuant to the California Environmental Quality Act **B. deBoisblanc/4704**  
[bdeboisblanc@baaqmd.gov](mailto:bdeboisblanc@baaqmd.gov)

*Consider adoption of proposed amendments to Regulation 8, Rule 5: Storage of Organic Liquids and approval of a Negative Declaration for this rulemaking. The primary effect of the amendments is to impose more stringent requirements on tank seals and fittings and to require more frequent inspections of seals and fittings. The amendments implement Control Measure SS-12 from the Bay Area 2001 Ozone Attainment Plan.*

10. Public Hearing to Consider Adoption of Proposed Amendments to Regulation 8, Rule 18: Equipment Leaks and Approval of a Notice of Exemption pursuant to the California Environmental Quality Act **C. Schaufelberger/4779**  
[cschaufelberger@baaqmd.gov](mailto:cschaufelberger@baaqmd.gov)

*The proposed amendments are in response to EPA's limited approval/limited disapproval of the current rule. The amendments would add a requirement for prior EPA approval of any alternative compliance plans.*

### **OTHER BUSINESS**

11. Consider Approval of Fringe Benefit Adjustments for Retirees **W. Norton/5052**  
[exec@baaqmd.gov](mailto:exec@baaqmd.gov)

*The Board of Directors will consider recommendation to approve fringe benefit adjustments for retirees.*

12. Report of the Executive Officer/APCO  
13. Chairperson's Report

## **CLOSED SESSION**

14. Conference with Legal Counsel

### **Existing Litigation:**

*Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following cases:*

- 1. *Communities for a Better Environment and Transportation Defense and Education v. Bay Area AQMD, Metropolitan Transportation Commission, Association of Bay Area Governments, and California Air Resources Board, SFSC No. 323849***
- 2. *Stonelight Tile, Inc. and David Anson v. Bay Area AQMD, United States District Court, N.D. Cal., San Jose Division, Case No. CV 98-21060 (JW) (PVT)***
- 3. *Transportation Solutions Defense and Education Fund, Our Children's Earth Foundation, and Communities for a Better Environment v. United States Environmental Protection Agency, United States Court of Appeals for the Ninth Circuit, Case No. 02-70443***

## **OPEN SESSION**

15. Board Members' Comments

*Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)*

16. Place of Next Meeting - 9:45 a.m., Wednesday, December 4, 2002 -939 Ellis Street, San Francisco, CA 94109
17. Adjournment

WN:mag